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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 71/97. It provides an update on Israel's settlement activities in the West Bank, including East Jerusalem, and the occupied Syrian Golan. It also highlights instances of demolition and forced eviction in the context of settlements, including case studies on their impact on Bedouin and herder communities in Area C.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 71/97 and provides an update on the implementation of the resolution during the period from 1 June 2016 to 31 May 2017. It should be read in conjunction with previous reports of the Secretary-General to the General Assembly and the Human Rights Council on Israeli settlements in the West Bank, including East Jerusalem, and the occupied Syrian Golan.[1]

2. The report provides an update on settlement activities in the Occupied Palestinian Territory and on the conditions contributing to a coercive environment, including instances of demolition and forced eviction, described in two illustrative case studies affecting Bedouin and herder communities. As noted in previous reports, forced evictions constitute one of the factors that contribute to the creation of a coercive environment.[2] The report also highlights the fact that the demolitions and forced evictions faced by Palestinians themselves constitute grave human rights violations, in particular of the right to adequate housing. These continued developments remained of concern during the reporting period, as did cases of settler violence.

II. Legal background

3. An analysis of the applicable legal framework and the basis for Israel's obligations in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General, including his most recent reports (see A/HRC/34/38, paras. 3–12 and 18; A/HRC/34/39, paras. 4–9; and A/71/355, para. 3).

III. Update on settlements

A. New settlements and settlement expansion

4. Since 1967, Israel has established approximately 250 settlements and settlement outposts in the occupied West Bank and East Jerusalem.[3] In addition to being in violation of Israel's international humanitarian law obligations, settlements and settlement outposts continue to have a serious impact on the human rights of the Palestinian population. Palestinians have been deprived of their land and property, forcibly evicted and denied access to essential services as a consequence of settlements. They have also often been subjected to violence, harassment and intimidation by settlers. Previous reports of the Secretary-General have described the role of Israeli authorities in the construction and expansion of settlements, including through the provision of land, infrastructure and public services, along with other benefits and subsidies granted to settlers.[4]

[1] A/71/355 and A/HRC/34/39, which covers the first few months of the reporting period.

[2] See A/HRC/34/39, paras. 45–46; A/70/351, paras. 25–51; and A/HRC/16/71, paras. 20–22.

[3] See Office for the Coordination of Humanitarian Affairs, "The humanitarian impact of de facto settlement expansion: the case of Asfar", *Humanitarian Bulletin: Occupied Palestinian Territory* (November 2016), available from https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-case-asfar; see also A/70/82, para. 46.

[4] See A/68/513, paras. 23–29; A/69/348, paras. 33–35; and A/70/351, paras. 33–36.

5. The Government of Israel had initially planned to compensate settlers[5] evacuated from the outpost of Amona[6] by developing housing in the illegal settlement of Shvut Rachel East. Even though the residents of Amona reportedly rejected that offer, the plan for Shvut Rachel East was approved by Israeli authorities in February 2017, allowing for the construction of 98 out of the 300 planned housing units. According to the Israeli non-governmental organization (NGO) Peace Now, although Shvut Rachel East is officially deemed a "neighbourhood" of the settlement of Shilo, it is effectively a separate settlement, because it will be located approximately 1 km from the built-up area of Shilo.[7]

6. On 28 May 2017, the jurisdiction of a new settlement, Amihai, was defined by a military order of the Central Command of the Israel Defense Forces. It is the first new settlement to be established by the Government of Israel in Area C since 1992.[8] Despite the development of Shvut Rachel East, Amihai was also proposed as compensation for the residents of Amona. It would include 102 housing units, whereas 41 families were evicted from the Amona outpost.

7. According to Peace Now, two new settlement outposts were established during the reporting period: one in September 2016, near the settlement of Mehola, and the other in January 2017, near the settlement of Hemdat.[9]

8. The task force for the survey of State land boundaries (Blue Line task force) of the Israeli Civil Administration[10] continued its surveys and demarcations of State land during the reporting period. Its surveys and decisions are integral steps in the process of advancing settlement plans.[11] In August 2016, the Government of Israel notified the High Court of Justice about its ongoing survey to identify "State lands" near the village of Nahlah, south of Bethlehem, in the so-called "E2" area. The United Nations Special Coordinator for the Middle East Peace Process observed that that step could enable the establishment of a new settlement, Givat Eitam, on the outskirts of Bethlehem, further restricting that city's development and contributing to the dismemberment of the West Bank.[12]

9. According to the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), in March 2017 the Israeli Civil Administration declared as State lands some 24 acres near the settlement of Eli. On the basis of their monitoring of settlement activities, some NGOs have suggested that that declaration reflects the intention to retroactively legalize the settlement outposts of Palgey Maim and Givat Haroeh.[13] In late March, the Blue Line team published its revisions to the demarcation of State land near the settlement of Shilo.

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[5] See Barak Ravid, "Inside Amona evacuation budget: 70 million shekels to build new settlement", *Haaretz*, 18 December 2016, available from http://www.haaretz.com/israel-news/1.759866.

[6] The settlement outpost of Amona was evacuated on 1 February 2017. In December 2014, the High Court of Justice had given the Government two years to evacuate Amona, which had been built illegally on privately held Palestinian land.

[7] See Peace Now, "Jurisdiction of the new settlement 'Amihai' approved", 30 May 2017, available from http://peacenow.org.il/en/jurisdiction-new-settlement-amihai-approved.

[8] Ibid.

[9] Although outposts are set up without authorization, support provided by the Israeli authorities in the form of infrastructure and security has been documented. At the time of reporting, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was not able to confirm whether such support was available to the two new outposts.

[10] See A/71/355, para. 13; and A/HRC/31/43, para. 21.

[11] See A/HRC/31/43, para. 21.

[12] See Nickolay Mladenov, Security Council briefing on the situation in the Middle East, 29 August 2016, available from http://www.un.org/undpa/en/speeches-statements/29082016/middle-east.

[13] See Peace Now, "Israeli cabinet approves new settlement", 31 March 2017, available from http://peacenow.org.il/en/israeli-cabinet-approves-new-settlement.

Israeli authorities have previously declared their intention to legalize the nearby outpost of Adei Ad.

B. Construction starts, plans and tenders

10. The Israeli Central Bureau of Statistics published 2,758 construction starts for housing units in Area C settlements from April 2016 to March 2017, which represents a 70 per cent increase compared with the period from April 2015 to the end of March 2016, when 1,619 construction starts were recorded.[14] No official data on construction starts in East Jerusalem settlements are publicly available.

11. According to monitoring carried out by UNSCO, tenders for approximately 3,200 housing units were issued during the reporting period, the majority of them (2,800) in the first five months of 2017. From June to December 2016, tenders were issued for 365 units, including 323 in East Jerusalem and 42 in the settlement of Qiryat Arba', in Area C. Among those issued during the reporting period were tenders for construction in the settlements of Har Homa, Giv'at Ze'ev, Ma'ale Adummim and Ari'el.

12. UNSCO also reported that during the second half of 2016, plans had been advanced for the construction of some 1,500 units in Area C (220 of which had reached the final stage of approval) and another 1,500 in East Jerusalem. During the first six months of 2017, approximately 5,000 housing units were advanced through the Israeli planning bodies.

C. Legislation

13. Raising concerns about "de facto annexation", the Israeli legislature has pursued past practice in enacting laws with direct applicability in the West Bank. During the reporting period, this included legislation that, for the first time, extends the jurisdiction of the Knesset to matters of land and property.

"Regularization" law

14. On 8 February 2017, the Knesset adopted the Law for the Regularization of Settlement in Judea and Samaria, 5777-2017, referred to as the "regularization" law.[15] It authorizes the continued use in the West Bank of privately owned Palestinian land that has been taken for settlement purposes. The law requires that the regularization take place as soon as possible and that the reallocation of private Palestinian land for settlement use be completed within one year from the date of publication of the law, 13 February 2017. This is the first time that the Knesset has extended its jurisdiction to matters concerning the private property of Palestinians living under Israel's military occupation. The Attorney General of Israel has opposed the law, describing it as unconstitutional and in violation of the Geneva

[14] See Peace Now, "Central Bureau of Statistics: 70 per cent rise in construction of settlements during the past year compared to previous year", 19 June 2017, available from http://peacenow.org.il/en/central-bureau-statistics-70-rise-construction-settlements-past-year-compared-previous-year.

[15] See A/HRC/34/39, para. 33; see also Office for the Coordination of Humanitarian Affairs, "Zeid urges Israel to reconsider bill to legalize outposts that 'clearly and unequivocally violate international law'", available from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21003.

Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).[16]

15. Two petitions against the law have been submitted to the High Court of Justice by Israeli and Palestinian civil society organizations on the grounds that it would violate Israeli and international law.[17] However, the Court has stated that the petitions would not delay the application of the law and that the mandatory deadline of 13 February 2018 for the reallocation remains valid. If not invalidated by the High Court of Justice, the law could remove obstacles to the retroactive legalization of dozens of existing outposts, and approximately 3,000 housing units built illegally in settlements recognized as legal by Israel.[18] With the de facto confiscation of private Palestinian land, the law would violate Israel's obligation to protect private property in the territory that it occupies.[19] The law also raises concerns as to Israel's fulfilment of its obligation, as the occupying Power, to respect the laws in force in the territory that it occupies, unless absolutely prevented from doing so.[20]

"Annexation" bills and applicability of Israeli legislation to the West Bank

16. Since the signing of the Oslo Accords in 1993, dozens of private bills aimed at annexing parts of the West Bank have been proposed by members of the Knesset. At least 20 such bills have been submitted for consideration since the March 2015 elections (e.g., through the direct application of Israeli legislation to settlements),[21] but none has reached a first reading in the Knesset or been endorsed by the Government. However, new laws adopted by the current Knesset explicitly apply to Israeli citizens living in settlements. In January 2017, a bill aimed at applying Israeli laws and regulations to Ma'ale Adummim (one of the largest settlements, with 40,000 inhabitants) came close to being discussed by the Government, but its promotion was eventually blocked by the Prime Minister of Israel, Benjamin Netanyahu.[22]

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[16] See "Israel passes controversial law on West Bank settlements", BBC News, 7 February 2017, available from http://www.bbc.com/news/world-middle-east-38888649; see also Allison Kaplan Sommer, "Explained: Israel's new Palestinian land-grab law and why it matters", *Haaretz*, 7 February 2017, available from http://www.haaretz.com/israel-news/1.770102.

[17] The first petition was submitted on 8 February 2017 by Adalah, the Al Mezan Centre for Human Rights and the Jerusalem Legal Aid and Human Rights Centre on behalf of 15 Palestinian local councils and two municipalities (see http://mezan.org/en/post/21791); the second was submitted on 15 March 2017 by the Association for Civil Rights in Israel, Peace Now and Yesh Din on behalf of 27 Palestinian local councils and 13 Israeli civil society organizations (see http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/).

[18] See Association for Civil Rights in Israel, "ACRI, Peace Now and Yesh Din petition the High Court against the expropriation law", 5 March 2017, available from http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/.

[19] See Regulations respecting the Laws and Customs of War on Land (Hague Regulations), arts. 46 and 56; Fourth Geneva Convention, art. 53; and A/HRC/34/38, paras. 20–21.

[20] See Hague Regulations, art. 43; Fourth Geneva Convention, art. 63; and A/HRC/34/38, para. 39.

[21] The majority of the bills have aimed at the annexation of particular settlements or areas (e.g., Ma'ale Adummim, Gush Etzion, Jordan Valley) and some at the application of the Israeli planning and zoning legislation to settlements, while others have been much broader in scope and effect, demanding the full annexation of Area C or of all major Israeli settlements.

[22] See Tovah Lazaroff, Jeremy Sharon and Herb Keinon, "Annexation bill put off until after Trump-Netanyahu meeting", *Jerusalem Post*, 22 January 2017, available from http://www.jpost.com/Israel-News/Netanyahu-looks-to-delay-Maaleh-Adumim-annexation-bill-479191; see also Tovah Lazaroff, "Ma'aleh Adumim annexation bill on hold for a week", *Jerusalem Post*, 4 March 2017, available from http://www.jpost.com/Israel-News/Maaleh-Adumim-annexation-bill-on-hold-for-a-week-483206.

D. Law enforcement regarding settler violence

17. Previous reports of the Secretary-General described how settler violence, trespassing and property damage on Palestinian lands often occurred in concerted efforts to forcibly expel Palestinians in order to expand settlements.[23] In recent years, the Israeli authorities have increased their efforts to address settler violence through both preventive measures and the prosecution of perpetrators.[24] According to official data, between January 2016 and June 2017, 54 indictments were served against Israelis for ideologically motivated crimes.[25] In addition, between January and October 2016, Israeli authorities issued 30 restraining orders against Israelis (including minors) considered to be extremists, prohibiting their presence in the West Bank. As at 29 November 2016, 11 Israelis were being held under administrative detention.[26]

18. However, between 1 June 2016 and 31 May 2017, the Office for the Coordination of Humanitarian Affairs recorded 111 incidents of settler violence affecting Palestinians, 42 of which had resulted in injuries and 69 in property damage. Despite a continuing decline since 2013 (when 397 cases were recorded), there was an increase in such incidents in early 2017, as well as in attacks against Israelis, mostly stone-throwing by Palestinians at vehicles.[27]

19. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has monitored and documented several cases of settler violence in the Nablus area, where a significant proportion of the incidents took place, reflecting recurrent and organized attacks by settlers that are increasingly encroaching on Palestinian villages in that area. Some attacks occurred in the presence of Israeli security forces, who failed to uphold public order and safety in the Occupied Palestinian Territory and to protect its inhabitants, including from all acts of violence, threats and insults.[28]

20. For example, in Arif, the family of Muneer Hassan Ahmed Suleiman experienced several days of violent settler attacks, most severely on 29 April 2017. According to OHCHR monitoring data, an estimated 60 settlers, including a settler armed with an automatic rifle, attacked Mr. Suleiman's property, destroying cars and throwing stones at the house. Mr. Suleiman was struck with stones and beaten with a metal rod, which caused several fractures to his legs. Mr. Suleiman reported that while Israeli security forces had arrived at the scene, they had refused to intervene. He was hospitalized for four days and was wheelchair-bound when OHCHR met him in May 2017.

21. OHCHR also monitored and documented the case of the Amraan family, who live 400 metres from an outpost in East Burin. The family reported almost weekly attacks by settlers over the past three years, believing that the perpetrators came

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[23] See A/70/351, paras. 52–60.

[24] See A/HRC/34/39, para. 20; and S/2016/595, annex.

[25] See Ministry of Justice of Israel, "Israel's investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank" (June 2017). The report does not clearly distinguish between investigations regarding ideologically motivated offences directed at Palestinians or their property, and investigations regarding other ideologically motivated offences committed by Israelis in the West Bank (e.g., offences targeting security personnel).

[26] Ibid. With respect to administrative detention, the Secretary-General has condemned its use by Israel against Palestinians and Israelis alike; see A/69/347, para. 29; and A/HRC/31/43, paras. 40–43.

[27] According to the Office, between January and May 2017, 152 incidents caused harm to Israelis or their property, compared with 112 during all of 2016.

[28] See Fourth Geneva Convention, art. 27, first para.; Hague Regulations, art. 46; and A/HRC/34/38, paras. 33–37.

from the outpost near the settlement of Har Brakha. On 12 May 2017, seven settlers armed with slings reportedly hurled stones at villagers and the family's house in the presence of Israeli security forces. According to witnesses, the latter did not intervene to stop the attack or arrest any suspects, raising strong concerns as to the obligation of Israeli authorities to ensure public order and safety and to protect the population in the Occupied Palestinian Territory.

22. Between 22 April and 27 May 2017, the Office for the Coordination of Humanitarian Affairs documented five incidents in which settlers had attacked Palestinians while accompanied by members of the Israeli security forces. Most of the attacks were believed to have originated from the settlement of Yitzhar, in the Nablus area, a known hotspot for extremist violence against Palestinians. In those cases, many of which were documented on video, soldiers neither intervened nor detained the attackers. In some cases, they used means of crowd dispersal on Palestinians.[29]

IV. Demolitions and forced evictions in the context of settlements

23. In 2016, the Israeli authorities demolished or seized 1,093 Palestinian-owned structures in the West Bank, including East Jerusalem. According to the Office for the Coordination of Humanitarian Affairs, this resulted in the displacement of more than 1,600 Palestinians and had an adverse impact on the livelihoods of more than 7,000 others. The number of demolitions in 2016 nearly doubled compared with 2015 and was the highest since 2009, when the Office began its systematic monitoring of demolitions.[30]

24. During the reporting period, 718 Palestinian-owned structures were seized or demolished, which led to the displacement of 1,122 people.[31] Eighteen of those structures were located in Areas A and B. While the number of demolitions generally decreased during the reporting period, there was a spike in January 2017, when 140 structures were demolished by the Israeli authorities, leading to the displacement of some 240 Palestinians. The number of structures demolished was more than 50 per cent higher than the monthly average number of structures targeted in 2016 (91).[32]

25. The official reason for those demolitions is that the structures were built without permits; however, building legally in most of Area C and East Jerusalem is nearly impossible for Palestinians, owing to the planning policies implemented by Israeli authorities in those areas.[33] As noted in previous reports of the Secretary-General[34] and by the Committee on the Elimination of Racial Discrimination, the planning regime is discriminatory and incompatible with requirements under

[29] See Rabbis for Human Rights, "Series of incidents where soldiers stand by as Palestinians are attacked", press release, 6 June 2017, available from http://rhr.org.il/eng/2017/06/series-cases-idf-soldiers-stand-idly-palestinians-attacked-extremists-settlers/.

[30] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016", in *Humanitarian Bulletin: Occupied Palestinian Territory* (January 2017), available from https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016.

[31] Data are from the Demolition System database of the Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory.

[32] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

[33] See A/72/565.

[34] A/66/364 and A/HRC/25/38.

international law.[35] Israel's planning policies and processes in East Jerusalem and Area C contravene the principle of non-discrimination in relation to the right to an adequate standard of living, including the right to housing.[36] For many Palestinian communities, particularly the Bedouin and herder communities, Israel also fails to guarantee security of tenure, one of the core components of the right to adequate housing, thus leaving a large proportion of Palestinians vulnerable to forced evictions, threats and harassment.[37]

26. In general comment No. 7 of the Committee on Economic, Social and Cultural Rights, the term "forced eviction" is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The non-discrimination provisions of articles 2.2 and 3 of the Covenant on Economic, Social and Cultural Rights obliges Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.[38] Furthermore, the Committee has noted that house demolitions carried out as a punitive measure are inconsistent with the norms of the Covenant.[39] Therefore, demolitions carried out by the Israeli authorities in the context of discriminatory planning structures or for punitive purposes are unlawful under international law and therefore constitute forced evictions.[40]

27. Forcible transfer is a grave breach of the Fourth Geneva Convention and amounts to a war crime that may lead to individual criminal responsibility.[41] In previous reports, the Secretary-General identified demolitions, and threats thereof, as key factors contributing to a coercive environment in the West Bank, including East Jerusalem,[42] when specific circumstances may leave no other choice to individuals and communities but to leave.[43] The Secretary-General has previously expressed concern that Israel was increasing pressure on Palestinians through practices and policies contributing to a coercive environment in areas under full Israeli control, pushing them to move out of their areas of residence.[44] The following examples and case studies illustrate how populations facing demolitions and forced evictions may be victims or at risk of forcible transfer.

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[35] See A/HRC/31/43, paras. 18 and 45; A/HRC/25/38, paras. 11–14; and A/HRC/34/38, para. 25. In 2012, the Committee expressed concern regarding the discriminatory planning policy of Israel and urged the Government to reconsider it entirely in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (see CERD/C/ISR/CO/14-16, para. 25).

[36] See International Covenant on Economic, Social and Cultural Rights, art. 11.

[37] The Committee on Economic, Social and Cultural Rights established, in its general comment No. 4, that everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. The Committee also affirmed that States must take immediate measures aimed at conferring legal security of tenure upon those persons and households lacking such protection, in genuine consultation with affected persons and groups. See Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing.

[38] See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

[39] Ibid., para. 12.

[40] In its 2011 concluding observations, the Committee on Economic, Social and Cultural Rights expressed deep concern about home demolitions and forced evictions in the West Bank, in particular in Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers (see E/C.12/ISR/CO/3, para. 26).

[41] See Fourth Geneva Convention, arts. 49 and 147; and Rome Statute of the International Criminal Court, art. 8, para. 2 (b) (viii).

[42] See A/HRC/34/39, para. 47.

[43] See A/HRC/34/38, para. 28.

[44] See A/HRC/34/39, para. 41.

A. East Jerusalem

28. In East Jerusalem, Israeli authorities have allowed for the planning and zoning of only 13 per cent of the city, most of which is already built up, for Palestinian construction. Consequently, one third of all Palestinian homes in East Jerusalem lack Israeli-issued building permits, which places at least 90,000 residents at risk of eviction, demolition of their homes and subsequent displacement.[45]

29. According to data provided by the Office for the Coordination of Humanitarian Affairs for 2016, 17 per cent of the structures demolished or seized (190) in the Occupied Palestinian Territory were in East Jerusalem.[46] The most large-scale demolitions conducted during the reporting period included the destruction of 15 structures in Qalandia village, for lacking the necessary building permits. Although the village is located on the West Bank side of the wall, it falls within the boundaries of the Municipality of Jerusalem. Rising housing costs in East Jerusalem, which are due in part to a housing shortage, have driven many Palestinian families to these particularly vulnerable areas that are located beyond the wall but that Israel considers to be part of Jerusalem. These areas have little or no access to public services, although residents pay taxes to the Municipality of Jerusalem.[47]

30. As of August 2017, eviction orders were pending against at least 180 families in East Jerusalem (818 people), including 21 in the Old City of Jerusalem. In most cases initiated by settler organizations, such orders have the goal of gaining control of Palestinian-occupied properties by claiming ownership prior to 1948 or challenging the "protected tenant" status of some families.[48] In addition, the eviction of Palestinian families as a result of the application of the Law of Judicial and Administrative Arrangements 1967[49] may be considered unlawful owing to its inherently discriminatory nature.[50]

31. The reporting period witnessed significant cases related to forced evictions resulting from demolitions in East Jerusalem. In one instance, on 20 December

[45] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "East Jerusalem: key humanitarian concerns" (August 2014), available from https://www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014.

[46] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

[47] See Office for the Coordination of Humanitarian Affairs, "Increase in West Bank demolitions during July-August", in *Humanitarian Bulletin: Occupied Palestinian Territory* (August 2016), available from https://www.ochaopt.org/content/increase-west-bank-demolitions-during-july-august. The demolition in Qalandia village was also significant because the Municipality of Jerusalem had not enforced its permit regime on buildings situated beyond the wall.

[48] See Office for the Coordination of Humanitarian Affairs, "East Jerusalem: Palestinians at risk of eviction", available from https://www.ochaopt.org/content/east-jerusalem-palestinians-risk-eviction.

[49] Enacted after the 1967 war, the law transferred all property under the Jordanian Custodian of Enemy Property — which had managed the properties of Jews who had fled or been forced to leave East Jerusalem in 1948, which were used mainly to house Palestinian refugees — to the Administrator General of the Ministry of Justice of Israel. According to sect. 5 (b) of the law, the Administrator General must release property to whoever owned it prior to its transfer to the Jordanian custodian, or to a person standing in for the owner at the owner's request. In effect, Jews or Jewish entities can recover properties that they owned before 1948. However, Palestinians who lost control of their properties after 1948 can reclaim their properties from the current occupants in extremely rare cases, and are eligible only for compensation that falls far below the current value of the property. This discrepancy in treatment makes the Law of Judicial and Administrative Arrangements 1967 inherently discriminatory against Palestinians.

[50] See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

2016, the High Court of Justice ruled that the protected tenancy of Nora Ghaith and Mustafa Sub Laban would be terminated in 10 years and that they could live in their home in the Old City until then. It also ruled that after 10 years, the property would be handed over to Atara Leyoshna, the settler organization that has been engaged in a 40-year legal battle to evict the Sub Laban family.[51] In addition, the Court ruled that the children of Nora Ghaith and Mustafa Sub Laban, and their respective families, would not be permitted to continue to live in the Sub Laban house, with immediate effect.[52] In another example, on 15 September 2016, the Kirresh family (six adults and two children) were evicted from their home in the Old City after the Israeli Supreme Court had rejected its appeal. The family had been renting the property since the 1930s and was ordered to transfer it to an Israeli settler organization, Ateret Cohanim, which had claimed that it had purchased the property in 1980. Three other Palestinian families (seven adults and 10 children) were also evicted from their homes in the Old City in August 2016.

B. Area C

32. Only 30 per cent of Area C is available for Palestinian use and development following the allocation of land for settlements and their expansion, the demarcation of closed military zones and the takeover of land for the construction of the wall. Yet, the Israeli Civil Administration has permitted construction on only 0.4 per cent of the land.[53] In Area C, according to estimates by the Office for the Coordination of Humanitarian Affairs that take into account the populations of Palestinians and settlers, the planned area per Israeli settler is more than 13 times larger than the planned area per Palestinian.[54]

33. Planning for Palestinian villages involves the demarcation of the existing built-up area in a village with little or no room for growth, and with no involvement of the local population in the drafting and decision-making process.[55] Since 2011, the Palestinian Authority has supported communities in submitting local outline plans for the approval of the Israeli Civil Administration. In total, 110 community-based outline plans have been prepared for some 148,000 Palestinians. As at 31 May 2017, five of those plans had been approved by the Israeli Civil Administration, 96 were pending its approval and final decision, and nine remained to be submitted for its consideration.

34. According to the Israeli Civil Administration, approximately 12,500 demolition orders were pending against Palestinian-owned structures across Area C

[51] The Sub Laban family first rented the apartment from the Jordanian Custodian of Enemy Property in 1954, at which point it was awarded protected tenancy status. The family maintained this status and paid rent to the Israeli General Custodian after it had assumed control of properties administered by the Jordanian Custodian of Enemy Property. Despite this protected status, the Sub Labans have been under threat of eviction since 1978, first by the General Custodian and later by Atara Leyoshna.

[52] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "Palestinian family forcibly evicted from its home in occupied East Jerusalem", 15 September 2016, available from https://www.ochaopt.org/content/palestinian-family-forcibly-evicted-its-home-occupied-east-jerusalem.

[53] See United Nations Human Settlements Programme, "'One UN' approach to spatial planning in 'Area C' of the occupied West Bank" (September 2015), available from https://unhabitat.org/wp-content/uploads/2015/10/One-UN-Approach-to-Spatial-Planning-in-Area-C-.pdf.

[54] See Office for the Coordination of Humanitarian Affairs, "Under threat: demolition orders in Area C of the West Bank" (September 2015), available from http://data.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf pp 13.

[55] See Nir Shalev and Alon Cohen-Lifshitz, *The Prohibited Zone: Israeli Planning Policy in Palestinian Villages in Area C* (Bimkom, 2008).

by the end of 2016 for lack of appropriate permits.[56] More than 2,900 of those orders were on hold owing to appeals with the Administration or Israeli courts.[57] As the orders do not have expiry dates, they can be executed at any time, which places the Palestinian individuals and families concerned in a very precarious position. In 2016, the Administration issued stop-work orders, demolition orders or warnings regarding more than 100 donor-funded humanitarian aid structures.[58]

35. According to the Office for the Coordination of Humanitarian Affairs, more than 63 per cent of the structures confiscated by the Israeli Civil Administration in Area C in 2016 were in Palestinian herding and/or Bedouin communities, including 283 structures provided by the international community as humanitarian assistance.[59] As highlighted by the United Nations Coordinator for Humanitarian Aid and Development Activities in the Occupied Palestinian Territory, "Most of the demolitions in the West Bank take place on the spurious legal grounds that Palestinians do not possess building permits, but in Area C, official Israeli figures indicate only 1.5 per cent of Palestinian permit applications are approved in any case. So what legal options are left for a law-abiding Palestinian?"[60]

36. The following case studies document forced evictions that were faced by some Bedouin and herder communities in Area C during the reporting period. In previous reports of the Secretary-General, various factors were identified that contribute to the creation of a coercive environment in Area C, including plans to evict and relocate Bedouin and herder communities,[61] as well as demolitions — or the threat thereof — related to the implementation of the illegal and discriminatory planning regime.[62]

Case study 1: Kurshan–Khan al-Ahmar, a community on the periphery of Jerusalem

37. The Kurshan Jahalin Bedouin community is part of the Khan al-Ahmar cluster of communities, located east of the settlement of Mishor Adumim. Like all Bedouin communities on the periphery of Jerusalem, Kurshan–Khan al-Ahmar is at risk of forcible transfer owing to Israeli relocation and settlement expansion plans and other factors contributing to the creation of a coercive environment, as detailed below. Kurshan is one of the smallest Bedouin communities, with a population of 54 comprising nine Abu Dahuk families.[63]

38. Like other Bedouin communities on the periphery of Jerusalem, Kurshan lies in the path of expansion plans for Ma'ale Adummim. The community has faced demolitions since the mid-1990s.[64] Its lack of ownership titles and its location, which is almost adjacent to a closed military zone, pose serious constraints on

[56] Some of these orders were issued in the 1980s. Approximately 77 per cent of the demolition orders issued by the Israeli Civil Administration since 1988 have targeted structures located on land recognized by the Israeli authorities as privately owned Palestinian land, while the remaining 23 per cent have concerned structures built on land designated as State land; see Office for the Coordination of Humanitarian Affairs, "Under threat: demolition orders in Area C of the West Bank".

[57] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

[58] Ibid.

[59] Ibid.

[60] See Amira Hass, "Israel dramatically ramping up demolitions of Palestinian homes in West Bank", *Haaretz*, 21 February 2016, available from http://www.haaretz.com/israel-news/.premium-1.704391.

[61] See A/HRC/31/43, paras. 50–60; and A/HRC/24/30, paras. 28–29.

[62] See A/68/513, paras. 30–34; A/HRC/25/38, paras. 11–20; A/HRC/31/43, paras. 44 and 46; A/HRC/28/80, para. 24; and A/69/348, para. 13.

[63] See http://bimkom.org/eng/wp-content/uploads/jahalin/al%20kurshan.htm.

[64] Ibid.

planning for the community. As a result, necessary building permits cannot be obtained. Residents of Kurshan are not connected to the electrical grid or the sewage system and receive water through private connections. The children who live in Kurshan attend a primary school in nearby Abu Al-Hilw.

39. In July 2011, the Israeli Civil Administration announced plans to relocate Bedouin communities from the periphery of Jerusalem, the Jordan Valley and the South Hebron Hills.[65] It invoked the absence of rights to land as well as the lack of necessary building permits for homes and other structures to justify the relocation.[66] During the reporting period, the Administration demolished 30 structures, including 11 homes, on 9 October 2016. Nine families comprising 47 individuals, including 26 children, were forcibly evicted and left homeless. More than a third of the demolished structures were built as part of a donor-funded project consisting of eight residential structures and five latrines. Emergency tents provided by donors the day after the demolition were confiscated by Israeli authorities on 14 October 2016.

40. According to the Kurshan community, for two months after the forced eviction, members of a settler organization were seen in the area, apparently to monitor the situation. A delegation of the Israeli Civil Administration visited the community, advising the residents to move to either Al Jabal or Nuweima in Area C. As of the end of May 2017, six months after the demolition, the Administration had prevented the provision of humanitarian assistance for the community, including temporary shelters. OHCHR observed that while most forcibly evicted families had reconstructed makeshift shelters from the rubble of their demolished homes, those shelters were far from adequate.

Case study 2: Khirbat Tana

41. Firing zones for military training purposes cover large tracts of land in the West Bank: approximately 17.5 per cent of the total area of the West Bank and 29 per cent of Area C.[67] These areas are also home to some 6,200 people from 38 Palestinian communities. Residents of firing zones often lack access to essential services such as water, sanitation and health care. They also often face settler violence, harassment and confiscation of property for entering the zone without the necessary permission from the Israeli Civil Administration.[68]

42. One such village is Khirbat Tana, located in Area C, in the northern Jordan Valley. It is home to some 250 people, who live in permanent and temporary structures, tents and old caves and whose livelihoods consist of sheep- and cattle-herding, farming and seasonal agricultural work. They lead semi-nomadic lives, spending part of the year in Khirbat Tana and the other part in the nearby village of Bayt Furik.

43. The Israeli Civil Administration does not recognize Khirbat Tana as a village and therefore has refused to consider it for master planning, also prohibiting

[65] See A/67/372, para. 36.

[66] See B'Tselem, "Civil administration plans to expel tens of thousands of Bedouins from Area C", 7 October 2013, available from http://www.btselem.org/settlements/20111010_forced_eviction_of_bedouins.

[67] See Office for the Coordination of Humanitarian Affairs, "Wide-scale demolitions in Khirbet Tana", 4 March 2016, available from https://www.ochaopt.org/content/wide-scale-demolitions-khirbet-tana; see also Kerem Navot, "A locked garden: declaration of closed areas in the West Bank" (March 2015), available from http://www.keremnavot.org/a-locked-garden.

[68] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "The humanitarian impact of Israeli-declared 'firing zones' in the West Bank", fact sheet (August 2012), available from https://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf.

construction in the area.[69] This prohibition has triggered regular demolitions of homes, animal shelters and water storage facilities, as well as the destruction of a primary school.

44. On 3 January 2017, the Israeli Civil Administration demolished 49 structures in Khirbat Tana, including 13 residential structures, 9 portable toilets and 26 structures used for agricultural purposes. Thirty of the demolished structures were donor-funded. Fifty people, including 22 children, were consequently left homeless. During this demolition drive, the Administration also issued a stop-work order regarding the ongoing reconstruction of the local school funded by the European Union, which had been demolished in 2011 and again in 2016.[70]

45. The recent demolitions and forced evictions continued a wave that had begun in July 2005, when the Israeli Civil Administration had demolished almost all the buildings in the village and blocked the entrances of caves that were being used as homes by some of the villagers. Five additional rounds of forced evictions took place between 2009 and 2011.[71] The Administration also carried out four rounds of demolitions between February and April 2016.[72] One woman from Khirbat Tana told OHCHR that she had faced house demolitions approximately a dozen times in her life.

46. The Minister of Defence of Israel claimed that the location of the villagers in a firing zone posed a danger to their lives.[73] In its responses to court petitions against the demolition orders, the Government of Israel claimed that the construction of dwellings on the site had begun in the late 1990s, long after the area had been declared a firing zone, and that most residents were using the residential and other structures on a seasonal basis and had residences in the nearby village of Bayt Furik.[74] However, it acknowledged the presence of a mosque from the Ottoman period on the site,[75] which supported the claim of some residents of Khirbat Tana that the community had been present there long before the designation of the area as a firing zone.

47. In general, in addition to questions about the legality of the confiscation and destruction of private property and the forced evictions that have followed the

[69] See Noga Kadman, *Acting the Landlord: Israel's Policy in Area C, the West Bank* (Jerusalem, B'Tselem, June 2013).

[70] See Amira Hass, "First week of 2017: Israel demolishes homes of 151 Palestinians, almost four times last year's average", *Haaretz*, 7 January 2017, available from http://www.haaretz.com/israel-news/premium-1.763331.

[71] In March 2011, the Israeli Civil Administration demolished all 42 structures in the village, including a primary school and water cisterns. It also blocked the entrances to eight caves used as residences as well as shelters for livestock. This forced eviction left 152 villagers, including 64 children, homeless. See B'Tselem, "The village of Khirbet Tana", 17 April 2016, available from http://www.btselem.org/jordan_valley/tana; see also Office for the Coordination of Humanitarian Affairs, "Wide-scale demolitions in Khirbet Tana".

[72] See A/71/355, para. 22.

[73] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "Third large-scale demolition in Khirbet Tana in 2016", 21 March 2016, available from https://www.ochaopt.org/content/third-large-scale-demolition-khirbet-tana-2016.

[74] See B'Tselem, "The village of Khirbet Tana".

[75] See Office for the Coordination of Humanitarian Affairs, "United Nations Humanitarian Coordinator visits Palestinian community of Khirbet Tana and warns of risk of forcible transfer", press release, 28 March 2016, available from http://data.ochaopt.org/documents/hc_statement_demolitions.khirbet%20tana_english.pdf.

declaration of a firing zone,[76] there is the concern that some land taken by the Israeli military and closed off for firing zones will be used for future settlement expansion. Instances of the transfer of land from firing zones to settlements only reinforce that concern.[77] One NGO study based on field observations and interviews resulted in the conclusion that almost 80 per cent of the firing-zone land designated for training purposes (approximately half of the total area of firing zones) was not used for such purposes.[78]

48. There is also the concern that in some cases, firing zones may be used for agricultural settlement expansion.[79] With respect to firing zone 904a, in which Khirbat Tana is located, settlers are using approximately 755 dunums (75.5 hectares) of land for agricultural purposes.[80] Moreover, there are also two settlement outposts (Gidonim 777 and Havat Binyamin) located within the zone. While those outposts have also received demolition orders, only a few of the orders have been acted upon. Significantly, in 2012, the Blue Line task force reclassified one of the two outposts as being on State land, ostensibly with the intention of settlement expansion.[81]

Impact of forced evictions on human rights

49. The impact of demolitions and forced evictions on communities in Kurshan and Khirbat Tana is not unique, but illustrates the experience of several other communities in similar situations in Area C. Forced evictions resulting from demolitions, as described in the instances referred to above, are a gross violation of human rights,[82] including the rights to adequate housing, water, sanitation, health, education and privacy.

50. The most direct impact of house demolitions is homelessness, in violation of the right to adequate housing as protected by article 11 of the International Covenant on Economic, Social and Cultural Rights. Although humanitarian organizations provide forcibly evicted families with aid, including material for the rebuilding of their homes, it can take up to several weeks for the aid to reach the affected family. In the meantime, victims have no option but to live in rudimentary

[76] While art. 49 of the Fourth Geneva Convention allows for the temporary evacuation of protected persons for their own security or for an imperative military reason, forced evictions for the establishment of firing zones for training purposes do not meet such a threshold, and raise concern about possible forcible transfer; see Michael Bothe, "Expert opinion: limits of the right of expropriation (requisition) and of movement restrictions in occupied territory" 2 August 2012, available from http://www.acri.org.il/en/wp-content/uploads/2013/01/Michael-Bothe-918-position.pdf; see also Akevot, "Firing zone 918: a 1967 legal opinion presented to the high court", 11 January 2017, available from http://akevot.org.il/en/article/firing-zone-918-case-1967-legal-opinion-presented-high-court/?full.

[77] For example, in January 2015 the General Officer Commanding the Central Command signed an order reducing the area of firing zone 912 to make way for housing units to be constructed as a part of Ma'ale Adummim's expansion plans. Similarly, in 2011 more than 900 dunums (90 hectares) of land from firing zone 203 were transferred for the establishment of an industrial zone, Sha'ar Shomron, to serve the settlements of Oranit and Elkanah. See Chaim Levinson, "IDF cancels status of firing zone to enable expansion of nearby settlement", *Haaretz*, 8 March 2015, available from http://www.haaretz.com/israel-news/.premium-1.645771; see also Kerem Navot, "A locked garden: declaration of closed areas in the West Bank".

[78] See Kerem Navot, "A locked garden: declaration of closed areas in the West Bank".

[79] Ibid. According to the Kerem Navot study, in 2015 approximately 14,480 dunums (1,448 hectares) of agricultural land cultivated by Israelis was located in closed military zones, including almost 20 per cent of land located in firing zones.

[80] Ibid.

[81] See Office for the Coordination of Humanitarian Affairs, "Third large-scale demolition in Khirbet Tana in 2016".

[82] See Commission on Human Rights resolution 1993/77.

and inadequate makeshift housing or with relatives or neighbours. Khirbat Tana residents told OHCHR that, while many of them had tried to rebuild their homes using material from the demolished homes, the Israeli Civil Administration would often tear their tents down and bury them in debris to prevent their reuse.

51. In Kurshan, residents described to OHCHR surveillance that had been conducted by security forces and members of the Israeli Civil Administration for several weeks after the forced eviction. According to them, Israeli authorities have been monitoring all movements in and out of the community to ensure that no building material is brought in for reconstruction. In order to prevent additional confiscations, aid material that the community has received has been stored in Jericho following the confiscation of tents provided by representatives of the Palestine Red Crescent Society for affected families. Forcibly evicted families have therefore had to live in cramped conditions with relatives whose houses were not destroyed. One man spoke of the difficulty of having to take his wife and three children to live with his brother's family of six for more than two months. As at 31 May 2017, more than eight months after the forced evictions, almost all affected people were living in highly inadequate makeshift housing made out of damaged material from their previous homes, while one family continued to live with relatives.

52. The demolition of toilets and bathing facilities adds to the hardships faced by communities after a house demolition. Two women told OHCHR of the difficulty and lack of privacy that women and girls faced in forcibly evicted communities as they were compelled to use the open space around their communities.

53. The forced evictions and the subsequent closure of the area by Israeli authorities have posed a serious health risk to some of the affected people. Two women from Kurshan, whose house was demolished in October 2016, reportedly had to walk across rugged terrain, 2 to 3 km from the village, in order to reach a medical facility in order to give birth, because the Israeli authorities would not allow any vehicles to enter the community. Another woman, who was pregnant and injured while trying to salvage her belongings, also had to walk to reach medical assistance.

54. In the context of demolitions conducted in the West Bank and East Jerusalem in 2016, the NGO Médicos del Mundo stressed that there was no doubt that the current wave of demolitions was having negative psychosocial effects on the communities affected, in the short, medium and long terms.[83] Several people interviewed by OHCHR described the fear and stress that they had experienced as a result of demolitions.

55. House demolitions and forced evictions can have a particularly deep and lasting impact on children. Residents told OHCHR of the fear that demolitions had instilled in children, some of whom had been unable to sleep at night for a week after the demolition. In Kurshan, a resident said that, following the demolition, his children, who were between 2 and 12 years of age, had become fearful of strangers and would become alarmed at the sight of any vehicle approaching the community.

56. Israeli authorities have also demolished community centres and schools in the above-mentioned communities. For example, in a case monitored by OHCHR, the demolition of the community centre in Khirbat Umm al Khayr (Hebron Governorate), which had also served as a primary school, affected 35 children. In Khirbat Tana, the demolition of the local school resulted in children having to be

[83] See Emilien Tapia, "Demolishing mental health: the 2016 wave of demolitions in the West Bank and East Jerusalem and its impact on the Palestinian population's mental health" (Médicos del Mundo, 2017).

temporarily transferred to a school 15 km away, in Bayt Furik, to continue their education. During that time, they were separated from their families during the week.

57. The losses caused by demolitions (including of animal shelters) and forced evictions in the Bedouin and herder communities have also had an impact on the livelihoods of affected families and increased their expenditures. Women spoke about the destruction of material, which had added to their financial burden, in particular because the Israeli Civil Administration does not allow sufficient time for people to remove their belongings before a demolition. Two women told OHCHR that Civil Administration personnel had removed their bedding and other large items from their homes, but that all their kitchen utensils and provisions, such as grain, sugar and oil, had been destroyed during the demolitions. Another woman, in Khirbat Tana, reported that one of her main responsibilities during demolitions, which she had faced 10 to 12 times, was to save the cheese that she produced for sale.

58. Forced evictions further entrench patterns of poverty, which often directly affects the rights to health, food and education. According to a study of Bedouin and herder communities in Area C, carried out by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme (WFP), between 2010 and 2016 there was an overall increase in the proportion of food-insecure households from 55 to 61 per cent, and a decrease in the proportion of food-secure households from 20 to 6 per cent.[84]

V. Settlements in the occupied Syrian Golan

59. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued during the reporting period, in violation of Israel's obligations under international law. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.[85]

60. The 34 illegal Israeli settlements in the occupied Syrian Golan are home to an estimated 23,000 Israeli settlers and are supported by the Government of Israel through financial incentives. The settlements also benefit from a disproportionately larger allocation of natural resources, such as clean water, than what is allocated to Syrian residents.[86] In October 2016, the Government of Israel reportedly approved the construction of 1,600 new homes in the Israeli settlement of Katzrin.[87] Syrian residents of the Golan, estimated to number roughly 25,000, live in five villages that face significant challenges in terms of growth and development, owing in part to restricted access to land and resources.[88]

61. Discriminatory land, housing and development policies established by the Israeli authorities have made it nearly impossible for Syrians to obtain building permits. Consequently, the Syrian villages in the occupied Syrian Golan are

[84] See UNRWA and WFP, "Food security among Bedouins and herding communities in Area C" (2016).

[85] See A/71/355, para. 66.

[86] See A/HRC/28/44, para. 54; and A/HRC/31/43, para. 64.

[87] See http://www.timesofisrael.com/liveblog_entry/israel-okays-1600-new-homes-in-golan-heights/.

[88] See Al-Marsad, "Fifty years of the occupation in Syrian Golan", 8 June 2017, available from http://golan-marsad.org/50-years-of-the-occupation-of-the-syrian-golan/.

increasingly overcrowded, with strained infrastructure and limited resources.[89] Israeli authorities reportedly undertook the first home demolitions in the occupied Syrian Golan on 7 September 2016, in the village of Majdal Shams, arguing that it had been built without the necessary permit.[90] The human rights organization Al-Marsad, based in the occupied Syrian Golan, reported that a number of Syrian homeowners had received demolition notices, and expressed concern at the possibility that Israel would institute a systematic policy of home demolitions in the occupied Syrian Golan.[91]

VI. Conclusions

62. **As described in previous reports of the Secretary-General, Israel's establishment and expansion of settlements in the Palestinian territory, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law. The settlements and their continued expansion have adversely affected the human rights of Palestinians, resulting in forced evictions, the loss of property and sources of livelihood, and restrictions on access to services.**

63. **Through the takeover of Palestinian land, the settlements have fragmented the West Bank,[92] as have support for settlement outposts and the declaration of State lands, seam zones,[93] firing zones for training purposes, nature reserves and national parks and survey lands.[94] As indicated in the present report, many of those processes have continued to advance steadily.**

64. **Moreover, in much of Area C and East Jerusalem, various measures put in place by the Israeli authorities have continued to strengthen a coercive environment. It may amount to forcible transfer, in violation of Israel's obligations under international humanitarian law and human rights law.[95]**

65. **Forced evictions resulting from demolitions not only are a violation of the right to adequate housing and a key factor in the creation of a coercive environment, but also have negative impacts on a wide range of human rights. Those negative impacts include restrictions on movement, including strict residency regimes, especially in East Jerusalem, and the denial of access to essential services such as water and sanitation.[96]**

66. **Settlement activity is incompatible with Israel's obligations under international law. It lies at the core of a range of human rights violations and humanitarian needs in the West Bank, including East Jerusalem, and also constitutes one of the main obstacles to a viable Palestinian State.**

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[89] See Al-Marsad, "Israeli authorities demolish home in the Occupied Syrian Golan", 8 September 2016, available from http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/.

[90] Ibid.

[91] Ibid.

[92] See A/HRC/31/43, A/HRC/22/63, A/70/351 and Human Rights Council resolution 25/28.

[93] Seam zones are areas located between the Green Line and the wall.

[94] Survey lands are unregistered areas whose status is under examination by the Israeli authorities with a view to retaining them as government property to enable the State to use them.

[95] See A/HRC/34/39, para. 42; Fourth Geneva Convention, arts. 49 and 147; and rule 129 of customary international humanitarian law.

[96] See A/HRC/34/39, paras. 40–57.

VII. Recommendations

67. **On the basis of the present report, the Secretary-General recommends that the Israeli authorities:**

(a) **Implement all relevant United Nations resolutions, including Security Council resolution 2334 (2016), in which the Council, inter alia, calls upon Israel to cease all settlement activity, and Council resolution 497 (1981);**

(b) **Halt and reverse all settlement development and related activities in the Occupied Palestinian Territory, including occupied East Jerusalem, and the occupied Syrian Golan, including through the discontinuation of support for private settler organizations' initiatives aimed at the seizure of Palestinian properties and the forced eviction of their residents;**

(c) **Immediately halt forced evictions and cease any activity that would contribute to the creation of a coercive environment and/or lead to a risk of forcible transfer;**

(d) **Cease from taking any initiative to relocate communities in Area C in contravention of international law, including Bedouin and herder communities;**

(e) **Review planning laws and policies to ensure that they are compliant with Israel's obligations under international human rights and humanitarian law;**

(f) **Take all necessary steps to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to essential services, including electricity, water and sanitation, and natural resources, including land for agricultural purposes.**